

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: April 18, 2007

Name: Jasper W. Dockrey

Signature: 

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GILSON
& LIONE

Case No. 9905/18
EP/FM BIF023240/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

SOURIAU, Jean-Charles)

Serial No.: 10/731,382)

Filing Date: December 8, 2003)

For: OPTICAL ARRANGEMENT WITH
TWO OPTICAL INPUTS/OUTPUTS AND
PRODUCTION METHODS)

Examiner:

Erin D. Chiem

Group Art Unit:

2883

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (duplicate); Request For Reconsideration And Withdrawal Of Final Office Action (2 pages);
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

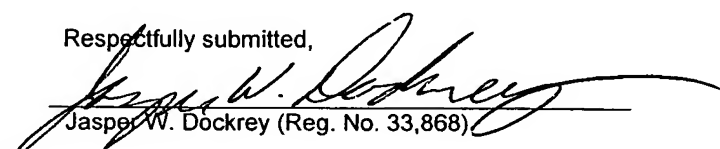
Fee payment:

- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

April 18, 2007

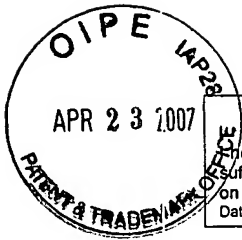
Date

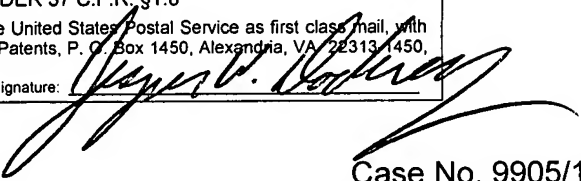

Jasper W. Dockrey (Reg. No. 33,868)

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Request For Reconsideration And Withdrawal Of Final Office Action

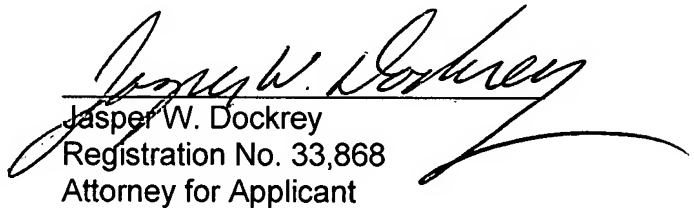
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicant requests reconsideration of the final rejection set forth in the Office Action of March 23, 2007. The finality of the Office Action is grounded on the assertion that the applicant's amendment of the claims in the response of December 7, 2006 justifies the final rejection. The applicant asserts that, in the response of December 7, 2006, the dependency of four dependent claims was changed from a withdrawn claim, and the sole independent claim was amended only to address matters of form. In addition, several dependent claims were amended only to address matters of form. These amendments did not substantively alter the scope of the claims. The MPEP instructs Examiners to anticipate amendments to address matters of form and that such amendments do not support issuance of a final office action. MPEP 706.07(a).

The applicant further notes that a new prior art reference has been cited in the Office Action of March 23, 2007 and new grounds for rejection are set forth based on this new prior art reference. The applicant asserts that the previous form amendments could not have necessitated the need for a new prior art search. The applicant asserts that an opportunity should be given to consider the new reference and the new grounds for rejection and the applicant should be permitted to respond to the rejection.

Respectfully submitted,


Jasper W. Dockrey
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Attorney for Applicant

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